

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 21-14 (MJD/LIB)

(1) RALPH EDWARD CLOUD, JR.,

Defendant.

Deidre Y. Aanstad and Emily Polachek, Assistant United States Attorneys,
Counsel for Plaintiff.

Andrew H. Mohring, Goetz and Eckland, P.A., Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 10, 2021. Defendant Ralph Edward Cloud, Jr., filed objections to the Report and Recommendation. [Docket No. 100] Specifically, Defendant has objected to the conclusion that he lacks standing to challenge the searches of the Smith Residence, where the victim was killed.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Brisbois dated August 10, 2021. The Court overrules Defendant's objection and holds that Defendant lacks standing to challenge any search of the Smith Residence. Because the Court holds that Defendant has no standing, it need not reach the issue of good faith.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 10, 2021 [Docket No. 98].
2. Defendant's Motion to Suppress Statements, Admissions, and Answers on and after September 13, 2020 [Docket No. 45] is **GRANTED** in part and **DENIED** in part as follows: the motion is granted as to Defendant's pre-Miranda statements made to CI Richards' questioning regarding the observed clothing; and the motion is denied as to Defendant's pre-Miranda statements to SA Dudley and as to Defendant's post-Miranda statements.
3. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Warrants) [Docket No. 47] is **DENIED**.

4. Defendant's Motion to Suppress Evidence Obtained as a Result of September 13, 2020 Warrantless Searches and Seizures [Docket No. 48] is **DENIED**.

Dated: September 2, 2021

s/Michael J. Davis

Michael J. Davis

United States District Court